

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**Offense charged:**

Count I: Conspiracy to Distribute Heroin and Cocaine, in violation of Title 21, U.S.C., §§ 841(a)(1), 841(b)(1)(A), (b)(1)(B), and 846.

Date of Detention Hearing: June 26, 2006

21 The Court, having conducted a detention hearing pursuant to Title 18 U.S.C. §  
22 3142(f), and based upon the factual findings and statement of reasons for detention hereafter  
23 set forth, finds that no condition or combination of conditions which the defendant can meet  
24 will reasonably assure the appearance of the defendant as required and the safety of any  
25 other person and the community. The Government was represented by Sarah Vogel. The  
26 defendant was represented by Michael Nance.

## DETENTION ORDER

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1           FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 2           (1) There is probable cause to believe the defendant committed the drug  
3           offense. The maximum penalty is in excess of ten years. There is  
4           therefore a rebuttable presumption against the defendant's release based  
5           upon both dangerousness and flight risk, under Title 18 U.S.C. §  
6           3142(e).
- 7           (2) Nothing in this record satisfactorily rebuts the presumption against  
8           release for several reasons:  
9               (a) Defendant is a citizen of Mexico and in the United States  
10              illegally; he has prior convictions for reentry after deportation,  
11              including one conviction as an aggravated felon.  
12               (b) A review of defendant's criminal history reveals and association  
13              with fourteen aliases and five dates of birth.  
14               (c) Due to the nature of the instant offense and criminal history,  
15              defendant is viewed as a risk of danger to the community.

16           **It is therefore ORDERED:**

- 17           (1) The defendant shall be detained pending trial and committed to the  
18           custody of the Attorney General for confinement in a correction facility  
19           separate, to the extent practicable, from persons awaiting or serving  
20           sentences or being held in custody pending appeal;  
21           (2) The defendant shall be afforded reasonable opportunity for private  
22           consultation with counsel;  
23           (3) On order of a court of the United States or on request of an attorney for  
24           the Government, the person in charge of the corrections facility in which  
25           the defendant is confined shall deliver the defendant to a United States  
26           Marshal for the purpose of an appearance in connection with a court

1 proceeding; and

2 (4) The clerk shall direct copies of this order to counsel for the United  
3 States, to counsel for the defendant, to the United States Marshal, and to  
4 the United States Pretrial Services Officer.

5 DATED this 28<sup>th</sup> day of June, 2006.

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8 MONICA J. BENTON  
9 United States Magistrate Judge